

**AN ORDINANCE**

**03-O-1128**

**BY: COUNCILMEMBER FELICIA A. MOORE, H. LAMAR WILLIS, CLAIR MULLER, IVORY L. YOUNG, JR., HOWARD SHOOK, CARLA SMITH, C.T. MARTIN, AND CEASAR MITCHELL**

**As Substituted and Amended By Finance/Executive Committee**

**AN ORDINANCE AUTHORIZING A THIRTY-DAY PERIOD WITHIN WHICH PENSIONERS WHO ARE CURRENTLY IN AN EMPLOYMENT STATUS WITH THE CITY OF ATLANTA MAY RESIGN AND IMMEDIATELY RETURN TO THAT EMPLOYMENT STATUS SO AS TO RESUME COLLECTION OF THEIR RETIREMENT BENEFITS; WAIVING FOR THIS INSTANCE ONLY THE EXIGENCY DETERMINATION REQUIRED BY CHARTER SECTION 3-505; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 02-O-1296, adopted by Council September 3, 2002 and approved by the Mayor September 11, 2002 amends Charter Section 3-505 by providing, *inter alia*, that a retired City employee may be re-employed or engaged under contract for a period not to exceed 520 business days and simultaneously receive his or her regular pension benefits, if such employee is found to have particularized experience which the City wishes to retain for a period of time subject to approval by Council and the Mayor; and

**WHEREAS**, a number of **pensioners** are currently re-employed with the City, but with suspension of their **pension** benefits; and

**WHEREAS**, Ordinance 02-O-1296 contained no provision for **pensioners** currently re-employed with the City; and

**WHEREAS**, one or all of the re-employed **pensioners** may desire to take advantage of the opportunity to be **re-employed** with the City for a period not to exceed 520 business days as prescribed by Code; and

**WHEREAS**, the City desires to treat all employees equitably.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows;**

**Section 1:**, The exigency caused by the loss of the **pensioner's** particular expertise is pre-determined and the requirement to confirm such

exigency by the department head and Chief Financial Officer with the Mayor under City Charter § 3-505 is hereby waived, for this instance only.

**Section 2:** All currently re-employed **pensioners shall** have thirty calendar days from the date of approval of this ordinance to **elect whether he or she** will resign from their current employment with the City and be rehired pursuant to Charter Section 3-505, and **thus become** eligible to receive a salary as well as regular pension payments **for a period not to exceed 520 days.**

**Section 3:** That the Commissioner of Human Resources shall, within ten (10) calendar days of application, re-employ any currently employed retiree who **elects** to qualify as a result of this legislation in the same capacity and at the same salary as the **pensioner(s)** is receiving at the time of **resignation**, in accordance with the provisions of Atlanta City Charter § 3-505. **At the time legislation is introduced to rehire the pensioner(s), said legislation shall include, as an attachment thereto, a statement from the Commissioner assenting to or disagreeing with the re-employment under the terms and conditions of this ordinance.**

**Section 4:** Nothing in this ordinance is intended to create a term of employment; property interest, contractual agreement or civil service rights beyond those already accrued to the retiree.

**Section 5:** That all ordinances in conflict herewith are hereby waived for this instance only.